NOTES
ON
THE TEMPLE ENTRY BILL.

BY

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GANDHI'S
Latest Move Against Law and Order.
THE TEMPLE ENTRY BILL.
An Attempt at Violent Socio-Religious Revolution.

[Non-English Orthodox Hindus who form the bulk of the population in India have incurred the wrath of the Gandhians; for although they reverenced Mr. Gandhi for his loin-cloth, they declined to follow his call to Civil Disobedience against the "SATANIC" Government. Mr. Gandhi now wants to have his revenge by inciting the *"Depressed Classes"* against these Hindus. Now, according to the Hindu religion, birth in the present life is determined by actions done in past lives; and butchers, beef-eaters, coblers, toddy-drinkers, liquor-mongers, fishers, and the like are by birth and breeding unclean people, who by their near approach cause pollution to places meant for and persons aspiring to religious discipline. That is how the *"Depressed Classes"* are not allowed entry generally into the temples of Caste Hindus. But the most truthful Gandhi does not care for facts; so he goes about saying that Caste Hindus are most wicked tyrants who have long oppressed and suppressed these *"Depressed Classes"* who all are Harijans or God's chosen children. In this way he is sowing seeds of terrible class-hatred among the Hindu Community. That is how he wants to get these classes admitted *"as of right"* into the Temples of Caste Hindus. And in this agitation Mr. Gandhi is supported by Brahmo Samajists, Arya Samajists, and other Nominal Hindus who have given up faith in Sanatana Dharma or the religion of Orthodox Hindus. This is the genesis of the TEMPLE ENTRY BILL which was introduced into the Legislative Assembly last year, and has been circulated by Government for public opinion. The following Notes on the Bill have been sent up to Government by Mr. M. K. Acharya, who last year went to England as the chief Orthodox Hindu witness before the Joint Parliamentary Committee. Mr. Acharya explains clearly how the real object of the Bill is not to elevate or help the Depressed classes religiously, but to incite them to rebellion against Caste Hindus, who in turn are expected to revolt against Government. We join in Mr. Acharya's hope and prayer that Government will not play into the hands of the Gandhians.]

Notes on the Temple Entry Bill.

Forwarded to Government as his opinion

By Mr. M. K. Acharya.

I. Underlying Psychology :- The Bill under reference illustrates typically what in my Memorandum to and Evidence before the Joint Parliamentary Committee I described as the cleavage that has arisen between "real" and "nominal" Hindus. I pointed out how Real Hindus are those who have unqualified faith in the religious and socio-religious injunctions contained in sacred books collectively known as Shruti and Smriti; how of late thousands of born Hindus have lost this faith, thousands have openly dissented, thousands have abjured all religion; how thus we have got Brahmo Samajists, Arya Samajists, Theosophists, Gandhians, Self-Respecters and the like, who are only nominal or heterodox Hindus – Hindus only for purposes of inheritence in law, and so on. It is no doubt difficult for foreigners or for Government to distinguish nominal from real Hindus. The following rough test may be suggested. All those who want to abolish all Caste distinctions, who have no scruples against inter-dining, and inter-marrying with any people whom they like, irrespective of community, caste, or creed; all those who not merely seek to improve the economic, social, or religious condition of the Depressed Classes by constructive methods, but are for admitting even cow-killers, carrion-eaters, etc., into the Temples of Caste Hindus – all these, whatever their claims to honesty of conviction, are only nominal Hindus – "from whom verily the orthodox section would seek protection at the hands of the British Government." Thus to a real Hindu, marriage is a spiritual bond, or sacrament which qualifies the couple to perform certain necessary religious duties in life; it is in fact a renewal in the present birth of old affinities; and the sooner the renewal

takes place, the more helpful it becomes for the harmonious growth in life of the couple. The nominal Hindu, however, looks at marriage almost entirely from the physical, sexual point; and so wants to prohibit all marriage sacrament of girls before puberty. Again the real Hindu cares not only for bodily cleanliness, but even more for spiritual purity in all its grades – until he becomes a God-Seer, or sees only the Holy Spirit in all things and persons and nothing high or low, pure or impure. Till then, to the real Hindu, certain beings, animals, plants, and objects are sacred or helpful spiritually, others harmful. Similarly at the birth and death of certain near relations a real Hindu considers himself religiously polluted; so too, certain people who, according to the Hindu Religion, through sins committed by them in past lives, are born and bread unclean, by their near approach pollute places meant for, and persons devoted to spiritual discipline. The nominal Hindu, on the other hand, has no faith in the Law of Re-birth, or Spiritual gradation and evolution, and so denounces as superstition the regulations about purity obtaining among Real Hindus. Lastly to a real Hindu a Temple is a very holy place – symbolic of the spiritual aspirant's disciplined body – constructed, consecrated, and maintained in accordance with the regulations laid down in his Agama Shastra or books, so to speak, on Spiritual Hygiene; but to the Nominal Hindu a Temple is only a place which through "usage" has become a "place of public worship" among the Hindu community at large. The fact is that the Nominal Hindu has no faith in idol-worship at all, or in Temple-worship; he now wants that "untouchables" should be admitted into Hindu temples not so much to secure for them any spiritual benefits, as to remove the social inequality, in his opinion, "imposed" by sheer "custom" or "Caste tyranny" upon the "Untouchables." I have explained at some length the difference in psychology between the Real and the Nominal Hindu; as otherwise it will be difficult to understand the implications in full which the Bill under reference has to each group of Hindus.

II. BASIC ASSUMPTIONS :- Thus in the Bill before us, very many statements are glibly made, definitions shoddily given, and remedies sapiently prescribed, against every one of which the Real Hindu is bound to protest. Here are some of them, (1) Almost every word contained in the "Statement of Objects and Reasons" should seem downright namby-pambyism to a Real Hindu, "The custom of segregation of certain classes . . . as untouchable . . is the subject of universal condemnation," only among Nominal Hindus, among those who do not care to know the rationale or desirability in the very interests spiritually of the classes concerned, of such "segregation". All the recent agitation against the custom is similarly confined to Nominal Hindus, being led by Mr. Gandhi who has not been initiated into, and does not know first-hand the fundamentals of Hindu Religious Discipline and Ideals, and who seems to have taken to the present agitation partly through wrong ideas, and partly at least as job to engage, if not his own idle hands, certainly the idle hands of his restive followers thrown out of work in the political sphere; (2) Throughout the Bill, again, there is this basic false assumption that the social and religious "disabilities" of the "Depressed Classes" have been "imposed" upon them, not in conformity with any religious principle or law, much less in the higher spiritual interests of these classes, but through blind "custom or usage." The Reformers are blissfully ignorant of the fact that verily from among the "Uutouchable classes" had sprung in the past not a few great souls who cheerfully submitted to all the disciplinary rules of "Untouchability" until they became God-seers; that the images of these Saints are kept and worshipped in the Temples of the much-maligned Caste Hindus. Much less are the reformers aware that even at the present day there are God-seers -- of course Mr. Gandhi is not one of them -- who do not doubt the spiritual value of "segregation." (3) Likewise, throughout the Bill runs the assumption that the "disabilities" under reference can be abolished by law; and that the only business of the Legislature is to hit upon the most "expedient"

Community, and so on; yet it does not care to define the term "Hindu" at all. Now, as every school-boy knows the word Hindu is not of Indian origin or of common use among non-English knowing Indians. In modern "Hindu Law", I suppose, the term means one who is a Hindu "by birth and by religion". But who is Hindu by religion? Obviously any Indian who is not a Muslim or Christian, Buddhist or Parsee; for Arya Samajists, Brahmo Samajists, or even Agnostics or Atheists are Hindus "in law"; so are Jains and Sikhs also, except where they have any special custom or usage of their own. The learned framers of the Bill could not be ignorant of this; the inference, therefore, is that their non-definition of the term is deliberate. For, speaking generally, the support to the Bill comes mostly from only Nominal Hindus, who have no faith in Temple-worship at all. And, verily, it is to these Nominal Hindus the Bill proposes to give the legal right to decide who all shall or shall not "as of right" enter into Temples for 'worship". If this be not the intention of the framers of the Bill, will they define the term "Hindu" as one who not only is born a Hindu, but who also has, or affirms faith in the fundamentals of Sanathana Dharma in general, and of Temple-worship in particular, so far as the purposes of the Bill are concerned? (*b*) **Definition of Temple**: If the non-definition of "Hindu" be deliberate, the definition given of "temple" is most deplorable, namely as "a place, by whatever designation known, used as of right as a place of public worship by the Hindu community generally except the excluded "castes." This definition is dis-ingenious for the following reasons. (1) Dharma or Duty, not "right" is the watchword of every true Hindu; and to him it is almost a sacrilege to say that a temple is a place used "as of right" as a place of worship; no true Hindu can claim "as of right" to enter a Temple; he can only seek privilege most humbly to pay his most lowly homage, standing far from the *sanctum sanctorum*. (2) There is no one "Hindu Community" at all so far as Temple-worship is concerned.

There are different sects among Hindus; and different Temples, and different Agamas or codes on Temple-worship. The "Depressed Classes" have in fact temples of their own. (3) Likewise it is incorrect to say that a temple is a place of public worship by *the Hindu Community*. The worship in a Hindu temple can only be performed by a duly consecrated priest of the sect for whom the temple is intended. No Brahman however learned or holy can perform the temple worship; he can only stand at a distance from the idol and offer his prayers, while the worship is performed by the temple-priest. And even a temple-priest while under pollution cannot enter the temple; much less can perform the worship. (4) All other Hindus can only seek to participate in the benefits of Temple-worship, each standing at a distance, which varies according to the *adhikara* or qualification, spiritually, of the order or caste to which he belongs. Thus a *sanyasi* or monk takes precedence over a house holder, a Brahman over a Kshatriya and Vaisya, and these over a Sudra. (5) And there are no castes "excluded" from the benefits of any temple-worship in which they have faith. For the Depressed Classes; also, not only have, as pointed out already, their own temples; but also, they do, if they are believers, get the benefit of the worship in other Temples also, by either (*a*) the very sight of the consecrated *gopuram* or temple tower or (*b*) by making their prostrations to the idol when it is taken out in procession. And for that matter, the "excluded castes" also in their own temples have their own priests and gradations and rules. (6) Lastly, in certain specific temples, and on certain specified occasions every year, the "excluded castes" are allowed entry or more correctly, a nearer sight of the idol. But on the next day, a huge purifictory ceremony is performed to remove the pollution thus caused. This very exceptional entry allowed to the classes under reference, and the specfic purification performed thereafter prove that, as a general rule according to the accepted religious creed, these classes cannot enter a temple of the Caste Hindus without polluting it. (7) All this may appear quite superstitious, or even ungodly to Gandhians and other

Nominal Hindus; they are at liberty to found their own temples and throw them open to whom they like. But can they force their novel notions on Real Hindus? or misdefine a temple as "a place . . . used as of right, as a place of public worship by the Hindu Community"?

IV. PROPOSED INIQUITOUS INNOVATION:- Section 3 of the Bill under reference wants "the entry of excluded castes into temples to be decided by reference to the general body of voters" -the voters being defined in Sec. 2 (5) as "the Hindu voters" on the electoral roll of a Corporation or a Municipality or of District and Taluk Boards, in whose geographical area the Temples happen to be situated. The iniquity proposed is indeed so great that even a staunch social reformer like Rao Bahadur Mr. C. V. Krishnaswamy Aiyer, B. A., B. L., Retired District Judge, and sometime nominated official member, I think, of the Legislative Assembly, is unable to support it. In a lengthy Article contributed to the **Bharat Dharma**, in which on the whole he is in favour of providing in some way for the entry of the classes under reference into Caste Hindu Temples, Mr. Aiyer says; "The real defect of the Bill is in the provision it makes as to the method by which the opinion of the community is to be ascertained. Shortly put, the provision is that the Hindu voters of the locality for Municipal and Local Board purposes are to determine the matter. That provision in the Bill is not satisfactory. Nowhere is the term *Hindu* defined. . One knows that there is a great diversity of opinion as to who is a *Hindu*. Not even the qualification that he should profess Hinduism at the time of voting, as in section 23 of the Hindu Religious Endowment Act, is put in. . . But even profession of Hinduism would not be enough. There are good Hindus who have no faith in temple-worship and who do not care what becomes of idols and temples . . . Obviously it will be unjust to allow even such Hindus to vote. As the Bill stands now, it is not clear that it does not allow Hindu voters of even the excluded castes to vote. That is

obviously unjust, as they are likely to vote in their own favour. The basic principle on which the encroachment contemplated by the Bill can be justified is, that the majority of those who have the right to enter agree to it. The voting should be confined to those who have something to lose. So the excluded castes must be excluded for the purpose of voting; and some sort of confession of faith in the worship of idols and Agama Sastras should be insisted on. For example, a special list of worshippers may be prepared for this purpose, and each intending voter should be asked to file a sworn statement that he has such faith." To this constructive suggestion of Mr. Aiyer's, which I think is fair, I would just add the further proviso that every intending voter must also pay a small fee, say, a rupee per head, to have his name enrolled as a voter on any Temple Register on the very principle enunciated by Mr. Aiyer that "the voting should be confined to those who have something to lose", The following further suggestion also of Mr. Aiyer's appears to be very fair. A bare majority is all that is prescribed by the Bill. This will lead to election abuses. A two-thirds majority, which is often prescribed even for less momentous decisions such as the unseating of an elected official, should be insisted on. That was in fact the majority which, in my evidence before the Joint Parliamentary Committee, I urged for the passing of any measure or Bill impinging on religion.

V. Legal implications ignored: How far the Gandhian fire-eaters will accept the amendments suggested by the more practical and fair-minded among their own supporters, remains to be seen. No less important will be a more serious consideration than has been bestowed so far upon it, of the manner in which the Bill under reference seeks to upset established legal and constitutional principles. Thus (1) it seems to be an agreed constitutional principle that no special legislation can be enacted, which will have the effect of "affecting the authority of Parliament ... or any part of the unwritten laws ... whereon may depend the allegiance of any

person to the Crown. The right of religious freedom and right to property are an essential part of these unwritten laws, as declared in Madras 1085, 40 P. C. Can any law be now passed depriving Orthodox Hindus of this "right of religious freedom"— of their long-enjoyed right to observe in their temples whatever regulations they consider necessary for preserving the sanctity of those temples? (2) Similarly, the Bill before us runs counter to established canons of law relating to Religious and Charitable Trusts. Temples are, in law, religious trusts, often with "charitable trusts attached to them." "Any extension or limitation of a trust so as exclude those who were intended to be included, or include those who were intended to be excluded is really a breach, a serious breach of trust." (I. L. R. 33 Bombay page 509); "and no amount of consent on the part of the public can justify a breach of trust." (I. L. R. 20, Madras, page 398). "The well established principle of law is"- as regards Charitable Trusts — "that a majority cannot control a minority." (Tudor on Charitable Trusts, p. 4·10) — that is to say, even when a change is wanted by a majority. (3) Similarly, it seems to be an established principle of law, that a dissenting section, even if in a majority, cannot force its views upon the orthodox or conformist section. (Vide Lord Chancellor Eldon's observations in Attorney General -vs- Pearsons 36 E. R. 135; also Judgment of the House of Lords in General Assembly of the Free Church of Scotland -vs- Lord Overton 1904). (4) Lastly, although Gandhians, with a pertinacity worthy of a better cause, will have the world believe that the exclusion of any classes from the Hindu Temples is due to blind custom or usage, the highest Courts in India have held that such exclusion is based on *religious texts*, whose authority is binding on the sects concerned and whose rationale is not open for modern Courts of law to enquire into. Thus, to quote only one instance, Justice Sir Sadasiva Iyer, though personally an ardent social reformer, has declared in *Gopala Moopanar* -vs- *Subramaniya Ayyer*, 27 M. L. J, p 253:

"Agamas and Tantras which regulated the worship in temples laid down rules as regards what caused pollution to the temple, and as regards the ceremonies for removing the pollution thus caused ... Even Brahmans other than temple priests were in many temples not allowed to go into the *garbha-griha*. . . . It is not for the Court to examine whether doctrines or usages obtaining in a particular temple are defensible from the logical or equitable standpoint in the light of modern enlightenment and civilisation.

VI. CLEARER CONSTITUTIONAL SAFEGUARD NEEDED; The Bill admittedly seeks to make a far-reaching innovation in, or to interfere most directly with, the religious doctrines and usages of Orthodox Hindus in the matter of their Temple-worship. On this admission, over and above what I have pointed out as to the manner in which the Bill seeks to affect "the unwritten laws . . . whereon may depend the allegiance of any person to the Crown", the following constitutional questions arise. (1) Can the British Government in India, under its present constitution, interfere in the religion of any community in India? (2) Can the Indian Legislature which is only a creature of that Constitution so interfere? (3) Does Sec. 65 of the Government of India Act, whether expressly or by implication, give to the Legislatures any such power? My answer to every one of these questions is emphatically in the negative. The reformers seek to justify such interference by referring to what they call the abolition of "*Suttee*"; and to the recent "Child Marriage Restraint Act". Now, as regards the first, as I told the Joint Parliamentary Committee, the "forcible burning of widows" is not *Sati*, but *Asati*, and is quite against Hindu religion, so that its abolition was not a religious interference except in the fancy of superficial reformers. In any case that was in the days of John Co. As for the Sarda Act, in so far as it seeks to restrain not Child marriage in the proper sense— namely, of marriage consummation—but also all marital sacraments of girls

before fourteen, it is a most *unjust Act;* and Government support to that measure was most wrong; how can one wrong justify another? Similarly, it is most deplorable that the Queen's Proclamation, of late, has been sought to be explained away, with more ingenuity than learning or authority, for Royal Proclamations have generally the same force as Statutes. However, all this only justifies the demand now made by the loyal Orthodox Hindu Community, that in the coming Constitutional Revision, the Queen's Proclamation, so far as it enjoins non-interference in the Religion of any community in India, should be reproduced in statutory form. In my evidence before the Joint Committee I explained how this may be done; and how also power may be given to the Governor-General to sanction the introduction of any measure which may *indirectly bear on* religion, by providing that he may do so after obtaining the opinion of the religious leaders of the community concerned. I pointed out how sec. 65 at present imposes an unduly heavy responsibility on the Governor-General; for no British statesman who comes out as Governor-General can be reasonably expected to possess enough first-hand information of Indian religions to be able on his own authority to give or withhold sanction to any proposed measure which may affect the religion of any Indian community. Apart from this, my contention is that Sec. 65, even as it stands, is meant only to ensure that there is no undue religious interference of any kind. In any case, the G. G's sanction authorises only the introduction of any proposed measure and its discussion, with a view to bring out its full implications; it does not authorise, much less does it legalise, the interference sought to be made.

GOVERNMENT'S RESPONSIBILITY: And in justice to the present Governor General, it must be gratefully admitted that, when giving his sanction to the introduction of this and similar Bills, His Excellency made it clear that the sanction was given solely for the purpose of having these Bills "subjected to the fullest examination in all their aspects, not only in the Legislature

but also outside by all who would be affected by them," and again "that the grant of sanction to the introduction of these Bills ... does not in any way commit the Government to acceptance or support of the principles contained in them, and that Government retain a free hand to take at later stages ... such action ... as may ... appear necessary." This shows how the Governor-General is fully alive to the very onerous responsibility cast upon him by Sec. 65. I do hope that the Government will find out from an examination of the opinions called for by them that the Bill has the support of only Nominal Hindus who have no faith in temple-worship, that it disregards constitutional principles, and established principles of law relating to Temple Trusts. I hope too that they will get ample information as to how Mr. Gandhi, through his so-called Harijan agitation, is sowing the seeds of terrible class-hatred, which cannot but lead to serious disorder in the country; how already both in Central India and in Malabar, Orthodox Hindu leaders have been assaulted badly, and indeed seriously in Malabar, by Mr. Gandhi's followers. If this be our experience even at this preliminary stage, it needs little imagination to foresee, what bloodshed may possibly arise later if Orthodox Hindus be driven to discover that, in spite of all legitimate protests against the Bill under reference, the sanctity of their sacred shrines will have to be defended with their very lives. I hope and pray that Government, as the responsible guardians of Law and Order, will not play into the hands of Mr. Gandhi and his followers, who, disappointed politically, want at least to score a violent Socio-religious Revolution to their credit.

FINIS.